

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

MCELROY TRUCK LINES, INC.,

Plaintiff,

v.

**TERRANCE MOULTRY; LOWE’S
HOME CENTERS, LLC; RETAIL
DIRECT, LLC; SPOUT, LLC; and ONE
RELIABLE HOME SOLUTIONS
CORP.,**

Defendants.

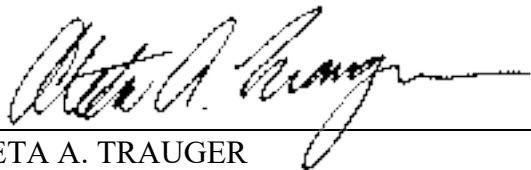
**Case No. 3:23-cv-01056
Judge Aleta A. Trauger**

ORDER

For the reasons set forth in the accompanying Memorandum, the Motion to Dismiss Amended Complaint (Doc. No. 50) filed by defendants Lowe’s Home Centers, LLC (“Lowe’s”) and Retail Direct, LLC (“Retail Direct”) is **GRANTED IN PART AND DENIED IN PART**. The Motion to Dismiss is **GRANTED** with regard to the plaintiff’s claims against both moving defendants for negligent hiring and entrustment (Count III), and those claims are **DISMISSED**. The Motion to Dismiss is **GRANTED** with regard to the plaintiff’s claim against Retail Direct for vicarious liability (Count II), and that claim is **DISMISSED**. The Motion to Dismiss is **DENIED** with regard to the plaintiff’s claim against Lowe’s for vicarious liability (Count II).

The initial case management conference in this case is **RESET** for December 16, 2024 at 1:30 p.m.

It is so **ORDERED**.



ALETA A. TRAUGER
United States District Judge